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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,763

06/09/2006

Alan Berry

DSM\_17\_US

3881

50446

7590

08/17/2009

HOXIE & ASSOCIATES LLC  
75 MAIN STREET , SUITE 301  
MILLBURN, NJ 07041

EXAMINER

ROBINSON, HOPE A

ART UNIT

PAPER NUMBER

1652

MAIL DATE

DELIVERY MODE

08/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10567763	6/9/06	BERRY ET AL.	DSM_17_US

HOXIE & ASSOCIATES LLC  
75 MAIN STREET , SUITE 301  
MILLBURN, NJ 07041

**EXAMINER**

HOPE A.. ROBINSON

ART UNIT	PAPER
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1652	20090810
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DATE MAILED:

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**Commissioner for Patents**

The amendment filed on March 23, 2009 which amended all the claims drawn to the elected invention and presented only claims drawn to a non-elected invention is non-responsive (MPEP 821.03). The remaining claims are not readable on the elected invention because the pending claims are drawn to "a polypeptide comprising SEQ ID NO:2". The elected invention is directed to "a polypeptide comprising SEQ ID NO:16". In addition, the elected invention has already been examined thus constructively elected by original presentation for prosecution on the merits. Moreover, the election of Group XII (claims 9-11, SEQ ID NO:16) with traverse on August 28, 2008 was addressed and made final. The invention as amended is directed to the restriction Group IX of the Restriction Requirement made April 30, 2008. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD OF ONE (1) MONTH OR THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(A) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, can be reached at (571) 272-0811.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hope A. Robinson/  
Primary Examiner, Art Unit 1652